IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18900 of 2004

Between:

Stalin Nagar Dweller Assoication, Miyapur Village,
rep. by its Secretary, D. Edward Raju, S/o. George Raju, 42 yers, R/o.

D.No.2-38/S/44, Stalin Nagar, Miyapur Village, Serilingampalli Mandal, R.R.Dist.

..... PETITIONER

AND

1 The Hyderabad Urban Development Authority, rep. by its Chairman, Begumpet, Hyderabad.
2 The District Collector, R.R.District, Lakadika Pool, Hyderabad.
3 The Joint Collector, R.R.District, Lakdikapool, Hyd.
4 The Mandal Revenue Officer, Serilingam Palli Mandal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent HUDA in interfering with the possession of the petitioner's association in respect of their dwelling houses and directing members of said association to vacate the house, in S.No.96 and 100 situated at Stalin Nagar, Miyapur Village, Sherlingampalli Mandal, R.R.District as arbitrary illegal, unconstitutional, against the principles of natural justice and void and consequently direct the respondents not to demolish the huts/houses of the members of petitioners association in S.No.96 and 100 within boundaries East; Prasanthnagr, North; 100 Survey No. Vacant Land, West 100 Survey, South 97 Survey, No. in Stalin Nagar, Miyapur Village, Sherlingampalli Mandal, R.R. District.

Counsel for the Petitioner: MR.V.NARAYANA REDDY,Advocate.

Counsel for respondent No.1: Mr.B.Vishwanatha Reddy,

Standing Counsel for HUDA.

Counsel for the Respondent No 2 to 4.: GP FOR REVENUE

The Court made the following :

Oral Order:

Heard the learned counsel for the petitioner, learned Standing Counsel for HUDA for R1 and learned Government Pleader for Revenue for R2 to R4 and at their request the writ petition itself is disposed at the admission stage.

Petitioner's association filed this writ petition claiming that their members are in possession and enjoyment of houses and house sites measuring 65 to 68 square yards each in Sy.Nos. 96 and 100 situated at Stalin Nagar, Miyapur Village, Sherilingampalli Mandal, Rangareddy Distict and the respondents without following due procedure are trying to interfere with their possession. Earlier some of the petitioner's association members have filed W.P.No.889 of 1998 which was dismissed by this Court. Against the dismissal order, they carried the matter in appeal before the Apex Court by way of SCLP in which the Supreme Court granted status-quo. It is also stated that members of the petitioner-association have made a representation to the Collector for allotment of house sites.

Learned Government Pleader for Revenue submits that pattas were granted only in Sy.No.96 and all the encroachments made in Sy.No.100 subsequent to the status quo order granted by the Supreme Court have to be removed after due notice to the parties who occupies such land.

In view of the same, respondents cannot remove the encroachments made prior to the status quo order by the members of the petitioner-association without disposing of their representation and without following the due procedure. However, respondents are at liberty to remove the encroachments identified subsequent to the status quo order passed by the Supreme Court after due notice.

The writ petition is accordingly disposed of. No costs.

A.GOPAL REDDY, J.

13-10-2004

Note: Operative portion by wire

at party's cost.

(bo)

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chairman, Hyderabad Urban Development Authority,

Begumpet, Hyderabad.
2 The District Collector, R.R.District, Lakadika Pool, Hyderabad.
3 The Joint Collector, R.R.District, Lakdikapool, Hyd.
4 The Mandal Revenue Officer, Serilingam Palli Mandal, R.R.District.

5.Two CCs to the Govt. Pleader for Revenue, High Court

Buildings, Hyderabad (OUT)

6.Two CD copies.